IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

-

PRESENT

-

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION Nos: 12236 & 12254 of 2004

-

W.P.No.12236 of 2004

Between:

1 Mr. Vasudev, S/o. Sri T.N. Hiranandani,
rep. by their general power of attorney holder

Sri Mohanlal Yadav,S/o. Sri Narayanlal Yadav, R/o. 14,

Bachelors quarter, Near Mozam Zahi Market,

Hyderabad.
2 Mr. Inder @ Kanu, S/o. Sri T.N. Hiranandani,
rep. by their general power of attorney holder

Sri Mohanlal Yadav,S/o. Sri Narayanlal Yadav,
R/o. 14, Bachelors quarter, Near Mozam Zahi Market,

Hyderabad.
3 Mr. Harish @ Suresh, S/o. Sri T.N. Hiranandani,
rep. by their general power of attorney holder

Sri Mohanlal Yadav,S/o. Sri Narayanlal Yadav,
R/o. 14, Bachelors quarter, Near Mozam Zahi Market,

Hyderabad.

..... PETITIONERS

AND

-

1 The Chief Commissioner of Land Administration,

Government of A.P., Hyderabad.
2 The Collector, Rangareddy District.
3 The Mandal Revenue Officer, Shamshabad Mandal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to grant an order, direction or writ, more so in the nature of writ of mandamus, declaring the inaction of the respondents in putting the petitioners in possession of the property purchased in an auction and transferred to the grand father of the petitioner by way of allotment order bearing No. 108/6-60/46 dated 28-4-1954 as violative of the provisions of the displaced persons (Compensation & Rehabilitation) Act, 1954, apart from arbitrary, illegal and violative of Article 14 of constitution of India and consequently direct the respondents to put the petitioners in possession of the property of 47.36 acres of land in Survey No. 24,25,92,93,98,101,104,108,123,133,134 and 136 of Golconda Khurd, Shamshabad Mandal, Rangareddy District.

WRIT PETITION NO : 12254 of 2004

-

Between:

Mr. Atalraj S/o Late Sri Hundraj rep by Power of attorney

Sri Mohanlal Yadav, S/o Sri Narayanala Yadav, R/o 14,

Bachelors quarter, Near Mozam Zahi
Market, Hyderabad

..... PETITIONER

AND

-

1 The Chief Commissioner of Land Administration,

Government of A.P., Hyderabad.
2 The Collector, Hyderabad District Lakdikapool,

Hyderabad
3 The Mandal Revenue Officer, Amberpet, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to grant an order, direction or Writ more so in the nature of Writ of Mandamus, declaring the inaction of the respondents in putting the petitioner in possession of the property purchased in a auction and transferred to the father of the petitioner by way of certificate of sale dated 12-10-1964 as violative of the provisions of the Displaced persons (Compensation & Rehabilitation) Act 1954, apart from arbitrary, illegal and

violative of Article 14 of constitution of India and consequently direct the respondents to put the petitioner in possession of the property of 1 acre 8.75 guntas of India in Town Survey No. 28, ward No. 165 Block H of Amberpet Village, Hyderabad.

Counsel for the Petitioners: MR.R.RAGHUNANDAN RAO

(in both the writ petitions)

Counsel for Respondents: GP FOR REVENUE

(in both the writ petitions)

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue. Both have no objection for disposal of both the writ petitions at the admission stage.

Both these writ petitions are filed by the power of attorney holder of the petitioners for delivery of possession of the land purchased in an auction by the petitioners' grandfather in W.P.No.12236 of 2004 which is declared as evacuee property, and transferred the same by way of allotment order dated 28-4-1954 by the Deputy Custodian (Settlement of Claims) Government of India. Questioning the said allotment order, the persons who are in occupation of the evacuee property filed W.P.No.288 of 1957 and the same was dismissed. Subsequently they filed Writ Appeal No.334 of 1969 before this court was also dismissed. After the dismissal of the writ appeal petitioners' grandfather had approached the respondent for obtaining the possession of the property. After the petitioners' grandfather passed away, petitioners' father as legal heir had approached the respondents. The father of the petitioners' also passed away leaving behind the petitioners as his legal heirs.

Where as petitioners father said to have purchased 1 Acre 8.75 guntas in the open public auction conducted by Regional Settlement Commissioner, Bombay I on 25-8-1956 which is said to have been declared as evacuee property. The sale certificate was forwarded to District Registrar and Commissioner Municipal Corporation of Hyderabad on 17-10-1964 but possession was not delivered. It is the case of the petitioners that even though more than 30 years have elapsed, the respondents are not taking any steps under the Displaced Persons (Compensation and Rehabilitation) Act, 1954 to deliver possession. In view of the same, petitioners approached the respondents by way of representation dated 3-3-2004 and 19-5-2004. Since the said representations filed by the petitioners were not considered, they filed the present writ petitions.

Since the relief prayed for is that the properties were sold in the years 1954 and 1964 whether the said properties were available as on today or not and whether the stale claims by the petitioners can be considered or not is a matter which has to be considered by the respondents on the representation made by the petitioners. In view of the same, the respondents are directed to consider the representations dated 3-3-2004 and 19-5-2004 said to have been filed by the petitioners and dispose of the same expeditiously and intimate the action taken thereon to the petitioners.

Accordingly, these Writ Petitions are disposed of at the admission stage.

_____

A. Gopal Reddy, J.

28th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Chief Commissioner of Land Administration,

Government of A.P., Hyderabad.
2 The Collector, Ranga Reddy District.
3 The Mandal Revenue Officer, Shamshabad Mandal.

4 The Collector, Hyderabad District Lakdikapool,

Hyderabad
5 The Mandal Revenue Officer, Amberpet, Hyderabad

6 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

7 2 CD copies.